them even though the tenant was let in after the Bank's mortgage. This bill is intended to make it clear that when a tenant was let into the property after its mortgage to the Land Mortgage Bank, his improvements will be available to the Bank and will be treated only as an additional security to the Bank. I think it is only proper for the Bank to claim that as sufficient notice is given by the Bank before they advance loans. If the mortgagor defaults payment of the instalments and if the property is sold the purchaser can get possession of the property at once. But if this amendment is not carried the situation will not be safe for the Bank and its security may suffer. I think this is the position which the Law Member wished to make clear to the House.

ADJOURNMENT MOTION (contd.)

re. the laches of Government in not carrying the Cochin Municipal Bill through its further stages.

Mr. E. Ikkanda Warriar (*Urakam*).—Sir, I move that the House do adjourn for the purpose of discussing a matter of urgent public importance, to wit, the laches of the Government in not carrying the Cochin Municipal Bill through its further stages inevitably necessitating a further extension of the life of the Municipal Councils of the State. As the House is well aware, according to the present Municipal Regulation the life of every Council is three years. The life of the existing Councils actually expired on the first of Vrischigom 1112. At or about that time the amendment of the existing Regulation was under the contemplation of Government, and in order that the new Councils may be constituted under the new Regulation the Government extended the life of the Councils by one year. That means the term of the present Councils will expire normally on the first Vrischigom 1113. An amendment Bill was subsequently introduced in this Council and it was referred to a Select Committee. The Select Committee went over the whole question, made the necessary changes and we signed the Report on the 14th of Kumbhom 1112. I understand that it was submitted to Government the next day. No doubt I had to submit a Dissenting Minute. It was a very short one and it was submitted in the course of 2 or 3 days. I think it did not stand in the way of Government in getting the bill printed. In fact the idea at the time was that it would be possible for this Council to consider and pass that bill in this Session itself. The Preliminary Agenda was sent to us 2 or 3 weeks before the meeting. There was more than a week

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then for the Government for getting the bill printed. Hon'ble Members will see that there was sufficient time for Government to include that bill in the Agenda. It is said by the Hon'ble Member for Law that it is a very long bill and that it requires careful consideration and all that. But the House will be pleased to note that one of those persons who took an active part in giving the final shape to the Bill in the Select Committee was the Hon'ble Member for Law and it was he who gave the final shape to it, at any rate, it was with his advice and with his practical consent that various changes were made in the Select Committee. It would not, therefore, be very difficult for the Government to come to a final decision in the matter. After all we are only copying the provisions from the Madras District Municipalities Act. There is very little that can be considered as new or original in the bill. The size of the bill was made bigger mainly on account of the incorporation of the rules which are generally framed under the Municipal Regulation and so even the rule making that has to be done subsequent to the passing of the bill has been attended to by the Select Committee. So Government had very little to do except to pass it. If they have any amendments to make those amendments could have been proposed and considered in this Session. They say that they were not able to do it. I ask why?

Now let us see what the result is. The failure on the part of the Government in not expediting this measure has deprived the right of the subjects of the State to elect members to the Municipal Councils every three years. It is one of the first principles of democracy that elected members should not be kept on for more than a particular fixed period and if they want to be there for more than that period they must renew the confidence of the voters by standing again for election and getting themselves elected after the prescribed period. Otherwise they will cease to be the representatives of the people. In fact the members of the present Trichur Municipality including myself are there not on account of the vote of the people but I would submit in spite of them. It is on account of the action of the Government in extending the life of the Councils that we are there. It cannot be said that we are enjoying the confidence of the electorate. It may be noted in this connection that the present Municipal Council Regulation does not provide for the removal of a member or a Chairman. The House is aware that 90% of the executive work of the Council is got done by the Chairman. The Chairman is practically all-powerful according to the scheme of the present Regulation.

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There is no provision in the present Regulation to pass a vote of no-confidence and get rid of the Chairman if as a matter of fact the members do not want him. Not only that. If the members themselves cease to enjoy the confidence of the electorate the electorate has got no opportunity to express their opinion and to show that they do not enjoy the confidence of the electorate. The right of sending their own representatives to these local bodies is a very valuable right. These rights are being taken away from the electorate by means of such extension of the life of the Councils. Now let us see what will happen if this House does not get an opportunity of considering the bill in this Session. The life of the Councils comes to an end on the first of Vrischigom. This is the last meeting of the Legislative Session. There is only the Budget Session this year which comes off in Karkidagom. We do not generally do any legislative work in the Budget Session except perhaps very urgent Government legislation, such as the Income-tax Regulation and such other financial measures. There is therefore absolutely no chance of this Council considering this question this year. According to the usual practice this Council will hold the next Legislative Session in Vrischigom by which time the Municipal Councils will cease to exist. So the present Government will be compelled to extend the life of the Councils. I therefore bring to the notice of Government the serious situation that has arisen and request them to find out ways and means to avoid that.

I do not advisedly want to say anything against the present working of the various Municipalities of the State. It is far from any purpose. My object is only to see that the life of the Councils is not extended. I can only think of two ways of getting this done. One is that the Government can hold a special Session of the Council soon after this Session and get this bill passed in 2 or 3 days. I do not find any difficulty for that. But if there is any difficulty I would suggest that the Government will order fresh elections according to the existing rules and the voters' list prepared previously. That would be much better than keeping the Members for one more year who may or may not enjoy the confidence of the electorate. If Government are anxious that the new Regulation that will be passed should come into operation as soon as it is passed into law there is no difficulty in holding another election according to the new Regulation as soon as the voters' list is prepared. It will not cost the Municipalities much. It will not be very difficult for the electorate also to go to the polling booths and record their votes. After all a Municipality

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covers only a very small area of the State. The expenses also are very small and even if some think that it would be a waste, I submit it is worth spending that in order to preserve the right of the voters. Government have done it now in the case of the Irinjalakuda Municipality. It was after this bill was introduced or just before it that Government established a Municipality in Irinjalakuda and the elections took place under the existing Regulation and the Municipal administration is now carried on under that. What is the harm in allowing that practice to be extended to the other Municipal Councils also? In fact Government ought to have done it even before they thought of extending the life of the Councils. I think I did my duty in entering my protest against the Government's extension of the life of the councils when it was done last year. I thought Government would consider the seriousness of the question and would expedite the matter even at a little trouble and inconvenience by the passage of this bill through this Session itself. Although adjournment motions are always in the nature of censure motions this motion need not be treated as that and my friends need not be afraid of the use of the word 'laches'. Some of the Hon'ble Members suggested to me that the whole trouble is with the word 'laches'. I have no objection to take away that word. I used that expression only to bring myself within the rules and to steer clear of the President's Ruling. It was only my anxiety to bring this motion before the House in any possible manner that I used the word 'laches' there. My only purpose in moving the motion is that the right of the public should be given back to them by whatever means possible so that they may be able to send their own elected representatives to these Municipal bodies as soon as the term of the present Councils expires. With these words I move for the adjournment of the House to discuss this matter.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*.—Before proceeding further I would like to know what is the Government's idea regarding the two days' session now proposed.

Deputy President.—I cannot allow it. The only question before the House is the indifference of the Government in not bringing this matter during this session.

Mr. C. R. Iyyunni *(Trichur South)*.—I second it.

* **Mr. Thomas Manjuran** *(Government Advocate and Law Officer)*.—Sir, as stated very pertinently from the Chair let us

* Speech not corrected by the Hon'ble Member.

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not confuse the issue on hand; nor be carried away by the last statement made by the Hon'ble Member for Oorakam viz., that he introduced the word laches in a clever manner so as to bring the motion within the four corners of the rules regarding adjournment motions. I ask him point blank whether without the word laches there would remain anything. Nothing but zero for the purposes of this debate. I am unable to understand the appeal made by the Hon'ble Member for Oorakam to some section of the House as if the motion did not contain the word laches. The charge levelled against the Government is that they deliberately or indignantly failed to take such action with regard to this Bill as would have ensured the passing of the Bill before this session itself. That alone is the charge levelled against the Government. There is no minimising that. Has the Hon'ble Member succeeded in establishing that charge? Let us make no mistake. There is no playing hide and seek. It is the one and only charge levelled against the Government. This question of the possibility or the probability of the life of the present Municipal Councils being extended is entirely irrelevant. It may or may not follow as the result of the non-introduction of this measure at this session. But the question is whether the Government was neglectful or has the Government failed in their duty in not preparing the Bill so as to be ready for this session. If the answer is in the negative, whatever may be the consequences, all such possible consequences will be irrelevant. If I can succeed in showing to this House, as I believe I shall be able to show, that there is not the least delay with regard to this Bill on the part of the Government, whatever may be the possible consequences, the Hon'ble Members will give a moment's consideration to this in voting on this motion. I believe I have made the point clear. Assuming for arguments sake that the Government did everything that any reasonable Government could do in this matter, how can you possibly accuse the Government for not doing more, and assuming for arguments sake that the Hon'ble Members are satisfied that the Government did not do what they could do, they should not be accused because they did not do what is impossible. Hence all possible future consequences, imaginary or real would be quite irrelevant. The one and only matter for consideration is the course of this Bill and the opportunity the Government had to deal with it.

Dr. A. R. Menon *(Pallippuram).*—Was the mover of this motion a member of the Select Committee?

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Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—Yes, he was. It is a consolation to me in this connection that the Hon'ble Member for Oorakam was there. The progress of the Bill during the Select Committee stage was delayed owing to the action of this Hon'ble Member himself. On one occasion I distinctly remember this Member telling the Committee that he has not come prepared with his amendments.

Mr. P. Govinda Menon *(Adur)*.—I think it is only necessary to take it up from the time the Report of the Select Committee was sent to the Council Secretary.

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—On a particular day the whole Bill had been considered and accepted with a few amendments. Then the Hon'ble Member said that he wished to move some further amendments. Some other Members also said the same thing. It is because of this that the bill was somewhat delayed in the Select Committee stage.

Deputy President.—I do not think that it is necessary to state here what all occurred at the committee stage.

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—If the Chair thinks that it is unnecessary I shall not do so. I am entirely amenable to your decision.

Mr. E. Ikkanda Warriar *(Urakam)*.—Please do give all the facts.

Dr. A. R. Menon *(Pallippuram)*.—If the delay has taken place due to the failure of the non-officials to perform their functions properly at the meetings of the Select Committee then is it not a right of the Government. . . . . .

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—The Report was ready on the 14th of Kumbham and it was sent to the Council Secretary the very same day. But I would like to make one single statement at this stage. On 20—5—12 in the absence of any further amendments to be moved by the non-officials the consideration of the Bill had been final by the Select Committee. That is a month and a half before the final bill was drawn by the Committee.

Mr. E. Ikkanda Warriar *(Urakam)*.—Please read the proceedings on that day.

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—Considered all the remaining clauses of the Bill. Mr. Warriar

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wishes to move some further amendments with which he is not ready to-day. He has promised to be ready on the adjourned day".

Mr. E. Ikkanda Warriar (*Urakam*).—How many further meetings were held after that?

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—Though that was not technically right yet the committee allowed him to do so. Then how can you possibly blame the Government for that. These are the laches of the Government, nothing more, nothing less. Hon'ble Members should not go away with the impression that from the day on which the report was sent, the Government was in any way responsible for the retardation of the Bill. Now let us come to the 14th of Kumbhom. I do not know if the Hon'ble Members at any rate those who have anything to do with the consideration of the Bill have any real idea of the magnitude of the Bill or of the amendments considered and passed. I will just give them an idea.

Mr. P. Kumaran Ezhuthassan (*Vadakkancheri*).—We have a complete idea of the Bill.

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—I think that the idea possessed by the Hon'ble Member for Wadakkancherry is entirely inadequate. The Hon'ble Members will realise that the amendments passed by the Select Committee cover not less than 10 closely printed pages in the gazette issue and what are these amendments. There are some 51 amendments numbered. Now in some of these amendments in each integral figure there are more than a dozen amendments. About 150 amendments in all have to be considered of which at least some 75 amendment were amendments of first rate importance as the Municipal Chairman who was a member of the same committee will testify. The report was ready on the 14th. The Committee in their report had stated that since the Bill had undergone very material changes at their hands it was necessary to republish the same. Now to prepare a copy of the Bill incorporating these vast amendments would take any man more than two weeks time.

Mr. E. Ikkanda Warriar (*Urakam*).—Was not the copy of the Bill ready on the day on which the report was signed?

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—No.

Mr. A. Eachara Menon (*Chittur Rural*).—Were not these amendments entered in the sections to be amended?

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Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—To fit in these amendments in the original bill for publication in the Gazette would take a long time. It required very careful work. Otherwise there would be mistakes in it.

Now the further question arises. In a measure which took years and years to draw up and which was finally drawn up by some of the Municipal bodies in the State, I think under the aegis of the Ernakulam Municipal Chairman, and which took several months for examination at the Secretariat and by their Law Officers and which took a better part of their time was the one that was introduced here. That Bill was amended practically out of recognition. What was the Government to do. Government had to see that the amendments are properly arranged. That took about two weeks time. Then there remains only about 15 or 16 days for the commencement of the Council. What do Hon'ble Members expect. How many officers have to be consulted before arriving at a decision. Can the Government say *ex cathedra* That They Accept This Amendment and that they oppose the other amendment. Every individual amendment has to be weighed by the Government and the Government has to oppose or reject amendments after taking all the materials into consideration.

Mr. A. Eachara Menon *(Chittur Rural).*—Has the Government any power to reject the amendments?

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—I will tell you. I never thought that such an experienced Member as the Hon'ble Member for Chittur would care to ask me for an answer to that simple elementary question. What was meant was that the Government had to make up their minds as to what all amendments had to be accepted by the Government and what all had to be rejected. Eventually Government have to adopt a certain attitude regarding the amendments proposed by the Select Committee. Government in spite of their best endeavours found that it was physically impossible within the 2 weeks time at their disposal to examine the amendments and arrive at their own conclusions. Hon'ble Members should not fail to realise that this is a Government bill which they themselves are responsible for. That is the reason why within this 15 days' time Government found it beyond their power to cope with the work that was suddenly thrown upon them. Supposing the Government had 3 months or 2 months even. Then probably the Hon'ble Member for Urakam might have got up and asked what the

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Government were doing all these days. I am sure all the Hon'ble Members who constituted the Committee including the Hon'ble Member for Urakam were fully impressed with the great expeditiousness which was shown with regard to the proceedings of the Select Committee alike by the Deputy President and my own humble self. I ask the Hon'ble Member whether I as representative of the Government did not assume an attitude of great hurry and tried to press the matter or whether I tried to retard the measure. Then how can the Hon'ble Member now say that the Government showed laches?

Mr. E. Ikkanda Warriar *(Urakam).*—The reference is only to the period after sending the report to Government.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—If the Government Advocate was trying to press it through it must have been under Government instructions. I respectfully submit that it was a great surprise for me to find that this resolution has been tabled by the Hon'ble Member for Urakam and who knew all that took place there. The Hon'ble Member for Ernakulam, who was also a member of the Committee will remember how much he had to plead to get a month's time for enabling him to include his own amendments proposed by the Municipal Conference of which he was the Chairman. A good portion of the delay was caused by that also. In spite of all these delays the greatest expedition was shown even at the last moment. For one full week I worked my office day and night because I wanted to see that the bill was rushed through. I may also say that in order to obviate the time that may be necessary along with my own report I sent my remarks also on the various amendments proposed by the committee. After having done all that the Hon'ble Member for Urakam now say that the Government have laches. And at the last moment he wants to eliminate 'laches'. What remains after that? Absolute Zero. I must say that this accusation fits very ill with the position of the Hon'ble Member for Urakam, a Member of the Select Committee. Hon'ble Members may be assured that if ever Government was keen on a bill it was in connection with this measure. Government are not a bit anxious to see that the life of these councils is extended even for one single day. After all what are they? Are they nominees of the people or the nominees of the Government? Although I feel a lot I will not let down the chosen representatives of the people. Let me again repeat that this theory of laches is admittedly imaginary. The Hon'ble Member for Urakam himself admits that he does not seriously mean that. He only

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wanted to smuggle this motion here. If the word 'laches' is omitted I am sure that nothing remains in the motion.

മിസ്റ്റർ കെ. അയ്യപ്പൻ *(Ezhuvas South)*.— സർ, ഊരകം മെമ്പർ അവർകൾക്ക ഗവമ്മെണ്ടിനെ ആക്ഷേപിക്കണമെന്ന് ഉദ്ദേശമില്ലെന്ന് അദ്ദേഹം ഇവിടെ പറഞ്ഞുകഴിഞ്ഞു. ഗവമ്മെണ്ട് അഡ്വക്കേറ്റിന്റെ പ്രസംഗംകൊണ്ട് അദ്ദേഹം അതു സ്ഥാപിക്കുവാനും ശ്രമിച്ചു. ഗവമ്മെണ്ടിനു മുനിസിപ്പൽ കൌൺസിലിന്റെ ടേം നീട്ടിക്കൊണ്ടു പോകണമെന്ന ഉദ്ദേശമില്ലെന്ന വളരെ വ്യക്തമായി ഗവമ്മെണ്ട് അഡ്വക്കേറ്റ് പറഞ്ഞുകഴിഞ്ഞു. ആ ഒരുദ്ദേശമില്ലെന്ന പറയുന്നതു ശരിയാണെന്നുണ്ടെങ്കിൽ ഇനി ഗവമ്മെണ്ടിനു പ്രയാസമില്ലാത്ത ഒരു മാർഗ്ഗമുണ്ട്. അതു് ഊരകം മെമ്പർ സമ്മതിച്ചിട്ടുള്ളതുമാണ്. ഒരു രണ്ടുദിവസത്തെ മീറ്റിംഗ് വച്ചു ഇതു് പാസ്സാക്കുവാൻ ഗവമ്മെണ്ടിനു തരമില്ലെന്ന പറയുകയാണെങ്കിൽ ഗവമ്മെണ്ടിനു ഉദ്ദേശശുദ്ധിയില്ലെന്നും ഈ പ്രസംഗങ്ങളെല്ലാം വെറുതെയാണെന്നും ഇവിടെയുള്ളവർക്ക ധരിക്കുവാൻ ഇടവരും. ആ ഉദ്ദേശമില്ലെന്നുണ്ടെങ്കിൽ ഗവമ്മെണ്ടിനു വളരെ എളുപ്പം. ബഹുമാനപ്പെട്ട പ്രസിഡണ്ടു് അവർകളും ഇഷ്യു ആക്ഷേപത്തിനുമാത്രമാണെന്ന പറഞ്ഞാൽ ഗവമ്മെണ്ടിനും ഈ ഭാഗത്തുള്ളവർക്കും വലിയ വിഷമമായിത്തീരും. ഇതുകൊണ്ടു് ഗവമ്മെണ്ടിനെ ആക്ഷേപിക്കണമെന്നു ഉദ്ദേശമില്ലെന്ന അവതാരകൻ പറഞ്ഞുകഴിഞ്ഞു. ഗവമ്മെണ്ടിനും അങ്ങിനെയുള്ള ഉദ്ദേശമില്ലെന്ന സ്ഥാപിച്ചുകഴിഞ്ഞു. അങ്ങിനെ ആണെന്നുണ്ടെങ്കിൽ എന്തുകൊണ്ടു് ഇതു സമ്മതിച്ചുകൂടാ? ഗവമ്മെണ്ടു പറയുന്ന തരത്തിലുള്ള പ്രയാസങ്ങളൊന്നും ഇതിലില്ല. ഇതിനു ഒരാഴ്ചയിൽ കൂടുതൽ സമയം ഒരു ഗവമ്മെണ്ടിനും വേണ്ട. ഇതു് അച്ചടിക്കുവാൻ രണ്ടു ദിവസത്തിൽ കൂടുതൽ വേണ്ട. കമ്പോസ് ചെയ്യുവാൻ താമസം വേണ്ടിവരുകയാണെങ്കിൽ അധികം കമ്പോസിറ്റർമാരെ വയ്ക്കണം. അതു് സാദ്ധ്യമല്ലെങ്കിൽ ഈ സമയത്തിനുള്ളിൽ ഞാൻ അടിച്ചുകൊടുക്കാം. കൊച്ചിഗവമ്മെണ്ടിനു അപമാനമുള്ള സംഗതികൾ പറയരുതു്. ഇപ്പോൾ വലിയ വലിയ കാൺസ്റ്റിറ്റ്യൂഷനെല്ലാം ഒരൊറ്റ ദിവസംകൊണ്ടു പാസ്സാക്കുന്നു. റഷ്യയിലെ സ്ഥിതി ഇതാണ്. റഷ്യയിൽ മാത്രമല്ല, ജർമ്മനിയിലും ഇറാലിയിലും ഇങ്ങനെതന്നെയാണ്. നാസിസവും കമ്മ്യൂണിസവും മാത്രമല്ല, അത്യാവശ്യം വരുമ്പോൾ ബ്രിട്ടീഷ് ഗവമ്മെണ്ടുപോലും പാസ്സാക്കുന്നതെങ്ങിനെ? അതുകൊണ്ടു ഗവമ്മെണ്ടിനു സാദ്ധ്യമല്ല, സമയം കിട്ടിയിട്ടില്ല എന്ന പറയുന്നതു് സാധാരണ നിലയിൽ ഞങ്ങൾ സമ്മതിച്ചു. ഇതു് കഴിയുന്നവേഗം നിയമമാക്കുവാൻ ഗവമ്മെണ്ടു ശ്രമിക്കണം. അതു സമ്മതിക്കാതെ വേറെ എന്തെല്ലാം ഗവമ്മെണ്ടു പറഞ്ഞുകഴിഞ്ഞാലും അതു വിശ്വസിക്കുവാൻ ജനങ്ങൾക്ക സാദ്ധ്യമല്ല.

അതുകൊണ്ടു് എനിക്ക ഗവമ്മെണ്ടിനോടു പറയുവാനുള്ളതു് ഈ ബിൽ പാസ്സായാലും ഇല്ലെങ്കിലും കൌൺസിലിന്റെ ഇലക്ഷൻ നട

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ത്തുക. അല്ലെങ്കിൽ ഈ ബിൽ ഉടനെ പാസ്സാക്കുവാൻ ഗവൺമെണ്ടു വേണ്ടതു ചെയ്യണം. ഇതു ഒരു പ്രയാസവുമില്ലാത്ത സംഗതിയാണെന്നു ഗവൺമെണ്ടു ഓർക്കണം.

Mr. T. S. Narayana Ayyar *(Secretary to Government).*— Sir, the position of Government in regard to this Bill is this. The question of getting through this Bill during this Session itself was very seriously considered by Government. But they thought it impossible to rush through such an important piece of legislation within the short time available to them. In fact, as pointed out by the Hon'ble Law Member, repeated reminders were sent to him to see that the work of the Select Committee was expedited. And even before the report of the Select Committee was presented to Government instructions were issued to the Government Advocate as Member in charge of the Bill to give his remarks also on the various amendments suggested by the Select Committee. That shows the interest and anxiety of Government to expedite this very important legislation. But in view of the many and radical amendments suggested by the Select Committee, Government had necessarily to take time to fix their position with regard to each of them. It may not be possible to hold a special sitting before the Budget Session to consider this Bill. But Government will consider the possibility of giving a special day or two to this legislation in the Budget Session, if there is evidence of co-operation from all parties concerned, which would make it possible to get through this Bill at that session.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri).*— Will you please make it more clear?

Mr. T. S. Narayana Ayyar *(Secretary to Government).*— If Government are in a position to feel that there is evidence of such co-operation as will enable Government to get through the bill, Government will be prepared to do so. The preparation of the rules and the electoral rolls will be taken up without delay and every effort would be made to avoid a further extension of the life of the Councils. Beyond this, it is not possible to give any assurances.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri).*— Can the Government assure us that one or two days will be specially devoted for the discussion of this bill during the budget session?

Mr. T. S. Narayana Ayyar *(Secretary to Government).*— If there is that desire on the part of this House and if

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Government think that it may be possible to get through the Bill before the close of the Budget Session.

Mr. T. K. Nayar *(Pazhayannur)*.—Are we to submit a memorial?

Mr. T. S. Narayana Ayyar *(Secretary to Government)*.—It can be placed on record even now.

Mr. E. Ikkanda Warriar *(Urakam)*.—One of the main amendments will be the question of giving adult franchise. If by some chance the Council agrees to give adult franchise the preparation of the electoral roll will take a longer time than would be expected. There will not be sufficent time for the preparation of the electoral roll between Karkitakam and Vrischikom. I therefore submit that it is up to the Government to consider whether they cannot convene an earlier session in order to consider this alone.

Dr. A. R. Menon *(Pallippuram)*.—Sir, till I heard the Government view I was under the impression that it was a deliberate attempt not on the part of the committee but on the part of the Government to extend the life of the present councils because nothing prevented the Government from conducting a fresh election last year itself and to consider these various amendments and incorporate them into the Municipal Regulation. I was under the impression it was deliberately done so that you may have the municipal machinery in your hands and hence it is stated that they have ceased to be the representatives of the people but the servants of the Government. It is very easy for me to prove that at least one Municipality has ceased to be the servants of the public or the representatives of the public but has become the abject tool of the Government. I used the word 'abject' deliberately and I repeat it. You have made it an abject tool. In every popular movement the Chairman of the place is against it and he always sides with the Government. It is only natural that you want to extend the term of such a Council and such a Chairman, so that your behoves may be carried out to the letter, no matter, what the public think. There have been a lot of abuses in the representative institutions in the State. I honestly thought that what little power is conceded to us by previous administrations would not have been taken away by the present administration. The Municipal administration in some places at least has broken down to derision and contempt in the public estimation. Who is responsible for it? Knowing full well that the popular opinion is against the

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Council and against the Chairman the Government deliberately comes here and brings a series of amendments and under the pretext of passing those amendments they prolong the term of the councils. I honestly believe that it was your intention to prolong the life of the present council, by another year. Most probably, as a result of this discussion you might change your view. I attach importance to the latter portion of the motion. It is high time to put an end to this council so that the people should be given a chance to have their own officers. Put an official Chairman in his place. That will be more decent. Now, the Municipal Chairman is supposed to be the representative of the people. He utilises that position to carry out the orders of the Government which are sometimes questionable. That is why this adjournment motion is brought forward.

If you call for a fresh election in the early part of next year it will not be an arduous task and if you gentlemen think to introduce changes it could be introduced during the life time of the council. If, on the other hand, you undertake to see that these amendments are incorporated so that elections may take place next year that also can be done. But I do not know what you propose to do. In any case it is only my duty to say that the present Municipal administration must cease because I say, in certain parts, it has ceased to command that respect, that regard, that protection, which the people generally have for their municipalities. It behoves the Government to do everything in their power to see that institution which has got a semblance of independence should not be stifled, but to do everything in their power to enhance its position in the estimation of the people. The municipal administration which loses its dignity and prestige ceases to have any useful purpose. Therefore, I again appeal to the Government to follow one of the two alternatives. It is not possible to make the necessary changes and incorporate it in the Municipal Act before the next election. Then let them carry on the election under the old rule and afterwards incorporate the amendment. That can be done at any time. There is only one important amendment. If you succeed in carrying that amendment you can incorporate it in time. With these words I would support this motion.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri).*— Mr. President, Sir, I do not agree with the Hon'ble Member for Urakam in saying that he is not particular of having the word laches in his motion. Laches there are on the part of

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Government. And laches can be proved to exist in the attitude of the Government subsequent to the submission of the Report of the Select Committee. The Hon'ble the Law Member, the gentleman who on his own showing, had been very anxious to see that the bill got through the various stages of the Select Committee as early as possible and who was also pleased to send his report as the Government Advocate along with the Select Committee report has throughout been telling us about the expedition on his part prior to the date, according to him the fatal date, of 14-7-1112 and not anything later. The charge brought forward by the Hon'ble Member for Urakam through the adjournment motion is that between the date of the submission of the report of the Select Committee and the date of this Council the Government have been guilty of laches, whether deliberately or negligently. There are reasons to think that it is deliberate. But all the same, the laches are there. The question is whether between the 14th Kumbhom and the date of this Council the necessary consideration on the part of the Government regarding the various amendments proposed by the Select Committee could or could not be had. It is said that as far as the Government Advocate's office is concerned what they had to do was done with the submission of the report. The question therefore is whether in the Secretariat, in the Department which is directly concerned with Municipal affairs, whether they could not look to this business between the date of the submission of the report and the date of this meeting, when that office is manned by such illustrious persons as the present Secretary to Government a legal luminary, and the Joint Secretary, another legal luminary. I ask very seriously whether the Secretariat could not have gone through the whole series of amendments during this period. If they had cared to go through the various amendments they could easily have done that. There is no use of saying that they could nct do that during this period. What, after all, is there in the amendment? The amendments have to be considered in their proper perspective and the attitude of the Government has to be decided. To say that all the period from the 14th of Kumbhom up today was not sufficient for the Government to make its decision one way or the other is something which I did not expect from the Government of Cochin constituted as it is today. There is a particular reason why this adjournment motion is brought. There is an apprehension and a well-founded apprehension that the Government is trying to prolong the life of some of the existing municipal councils for reasons which are clear on the face

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of the whole thing. Some of the municipalities have ceased to function as institutions to serve the convenience or comforts of the people but only as the municipality to look to the comforts of the chairman and some members and the comforts of their servants and the comforts of their sons and relations. The Government wants deliberately to continue such municipalities on the pretext that there is the Municipal Regulation pending consideration by the Council. It was on that definite issue that the life of the Municipal Councils was prolonged. When the Government is not trying its level best to see that the Bill is got through and thereby elections are expedited there is real ground for the non-official members to question the attitude of the Government and to suspect their conduct and to bring forward this adjournment motion. I don't agree with the Hon'ble Member for Urakam, as I said before, in saying that this is not a censor motion. I submit, Sir, it is a censor motion of the first magnitude against the Government. The Hon'ble Member for Law has in his remarks been stating the very many things done prior to the submission of the Report. For a pointed question that was raised whether the Government was prepared to get through this Bill at a special meeting of two or three days and see that the elections to the Municipal Councils are conducted in Vrischikam the answer of the Government is something which is not at all satisfactory. The Hon'ble Secretary to Government wanted tangible proof of co-operation coming forward from the various sections of the House. As pointed out by the Hon'ble Member for Urakam if a day or two is allotted for the consideration of this Bill during the Budget Session that will not serve the purpose. If the Bill is passed and if, as suggested by me, an amendment to the effect that adult franchise has to be introduced is carried and the Government accepts that—we hope the Government will accept such a proposition—a lot of time will be required for preparing the electoral roll in accordance with that amendment. The question of having a session of one or two days in continuation of the Budget Session will not serve our purpose. The only question is whether the Government will be pleased not to extend the life of the present Councils and allow the electors to send in to the Councils persons who could be trusted to serve not their own interests but, Sir, the interests of the constituents of the Municipalities. Therefore, my respectful submission is that the attitude of the Government calls for the greatest censor. Hence I support the motion whole-heartedly.

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മിസ്റ്റർ എ. നാരായണമേനോൻ (*Vyttila*).— സർ, ഈ കാര്യത്തിൽ ഗവമ്മെണ്ടിനു ഉപേക്ഷയുണ്ടോ ഇല്ലയോ എന്നുള്ള സംഗതി ഗവമ്മെണ്ടു സെക്രട്ടറിയുടെ പ്രസംഗത്തിനുശേഷം ആലോചിക്കേണ്ട ആവശ്യമുണ്ടെന്നു എനിക്കു തോന്നുന്നില്ല. ഇതു നീട്ടിക്കൊണ്ടുപോകേണ്ട ഉദ്ദേശം അവക്കില്ലെന്നു ബഡ്ജറ്റു സെഷന്റെ ഇടക്കു ഇതു് ആലോചനക്കെടുക്കാമെന്നു പറഞ്ഞതുകൊണ്ടു് പ്രത്യക്ഷമാകുന്നുണ്ടു്. പിന്നെ, അഡൽറ്റു് ഫ്രാഞ്ചൈസ് വന്നു, അതുകൊണ്ടു് വോട്ടേഴ്സ് ലിസ്റ്റു തയ്യാറാക്കുവാൻ താമസം വരുമെന്നു പറയുകയാണെങ്കിൽ ഇതിനു മനസ്സുള്ള എല്ലാവരുംകൂടി യോജിക്കുകയാണെങ്കിൽ ഒരു ഒറ്റ ആഴ്ച കൊണ്ടു് ഈ ലിസ്റ്റു തയ്യാറാക്കുവാൻ സാധിക്കും എന്നു ഞാൻ പറയും. പക്ഷെ ഞാനതല്ല പറയുന്നതു്. അഡൽറ്റു് ഫ്രാഞ്ചൈസ് ഉണ്ടായാലും വേണ്ടില്ല, റൂംസ് പസ്സാക്കാൻ താമസമുണ്ടായാലും എങ്ങിനെയായാലും വേണ്ടില്ല എലക്ഷൻ വരുന്ന കൊല്ലത്തിൽ നടത്താതെ തരമില്ല. ഒരു മുനിസിപ്പാലിറ്റിയും ഇപ്പോൾ ജനങ്ങളെ പ്രതിനിധീകരിക്കുന്നു എന്നു പറയാൻ തരമില്ല. മുനിസിപ്പാലിറ്റികളുടെ കാലാവധി ആദ്യം രണ്ടു കൊല്ലമായിരുന്നതു് ഇപ്പോൾ മൂന്നു കൊല്ലമാക്കി. കാലാവധിവച്ചതിന്റെ ഉദ്ദേശം അവരുടെ ഭരണത്തിനു വല്ല ന്യൂനതകൾ കണ്ടാൽ അതു കാലാവധി കഴിഞ്ഞാൽ തീരണം; അതിനു ജനങ്ങൾക്കു് അവകാശം ഉണ്ടാകണം എന്നാണു്. ഈ ഉദ്ദേശത്തിനു വിഘാതമാകത്തക്കവണ്ണം ഒരു ക്ലൗസ് പറയുന്നു, വോട്ടേഴ്സ് ലിസ്റ്റു് തയ്യാറാക്കുവാൻ താമസം വരുമെന്നു്; റൂംസുണ്ടാക്കാൻ താമസം വരുമെന്നു്. പുതിയ നിയമം പാസ്സായാലും ഇല്ലെങ്കിലും ഡാക്ടർ മേനോൻ പറഞ്ഞമാതിരി പുതിയ എലക്ഷൻ വരുന്ന വൃശ്ചികത്തിൽ നടത്തണം. വരുന്ന വൃശ്ചികത്തിനുള്ളിൽ പുതിയ റഗുലേഷൻ പ്രകാരം എലക്ഷൻ നടത്താൻ സാധിച്ചില്ലെങ്കിൽ ഇപ്പോഴത്തെ നിയമപ്രകാരം എലക്ഷൻ നടത്തുക പുതിയ റഗുലേഷൻ ഉണ്ടായതിനുശേഷം എലക്ഷൻ നടത്തണമെന്നുണ്ടെങ്കിൽ അപ്പോൾ ഇതു് പിരിച്ചുവിട്ടുകൊള്ളുക. ഇതാണു് ഇഷ്യു. ഇതിൽ സെൻസർമോഷൻ ഒന്നുമല്ല.

ഇപ്പോഴത്തെ മുനിസിപ്പാലിറ്റികളൊന്നും ജനങ്ങളെ പ്രതിനിധീകരിക്കുന്നില്ല. അവക്കു എങ്ങിനെയായാലും നികുതി പിരിക്കണമെന്നാല്പര്യമേയുള്ളൂ. ജനങ്ങളുടെ സുഖവും സൌകര്യവും നോക്കുവാൻ അവർ തയ്യാറില്ല. ഈ നിലയിൽനിന്നും ഗവമ്മെണ്ടു ഞങ്ങളെ രക്ഷിക്കണം. അതുകൊണ്ടു ഞാൻ ഗവമ്മെണ്ടിനെ ധരിപ്പിക്കുന്നതു് എലക്ഷൻ വൃശ്ചികത്തിൽതന്നെ നടത്താതെ തരമില്ലെന്നാണു്. ജനങ്ങളുടെ എലിമെന്ററി റൈറ്റ്സ് നിങ്ങൾ എടുത്തുകളയരുതു്. ഞങ്ങളുടെ പ്രതിനിധികളെ തിരഞ്ഞെടുത്തു ഞങ്ങളുടെ സങ്കടങ്ങളെ പരിഹരിക്കുവാൻ ഗവമ്മെണ്ടു വഴിവച്ചുതരണം. ഈ താല്പര്യപ്രകാരം പ്രവൃത്തിക്കണമെന്നാണു് എന്റെ വിനീതമായ അപേക്ഷ.

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* **Mr. M. Sivarama Menon.** *(Ernakulam South).* — Mr. President, Sir, I do not for a moment think that it will be wise on the part of the Government to say that the term of the present council should be extended for any reason. For the part of those gentlemen who are members of the Select Committee and who unfortunately happened to be members of the Municipal Councils or Chairman it has been a matter that for their default this bill was not delayed. It is true that on one single day when I forgot to note this date in my diary I happened to be absent. I heard in the evening that the entire bill was passed and that is the memorable day, 20—5—1112. But I took objection on the ground that the time of the Select Committee had expired on that date and that what they did was ultra vires. I even went to the extent of approaching the Secretary to Government. The Mover of this motion shall certainly as an Hon'ble gentleman testify to the fact that all the members of the Select Committee went there with the anxiety that every moment should be utilised and that this bill should go through. But to say that as the Select Committee submitted their report on the 14th, the Government should have been ready with this bill in this session appears to me to be an impossible task. But for that reason it should not be supposed for a moment that the election should not go on. My only purpose was to point out to the Government that it will be impossible to go through this bill in two days' time. Some of the changes proposed by the Select Committee go to the very root of the people's rights. One change which we have made is that in the proposed bill you will find the Government have rights to increase the tax within any Municipality without referring to the people at all when it is found that the income under one head is not sufficient to meet the expenditure under that head. That has to be opposed tooth and nail. Government are no doubt having a very anxious time over the salubrious changes effected by the Select Committee. What I wish to place before the Government is this:—When there is a motion coming forward from the non-official side that the life of the present councils should not be extended I say, that challenge should be accepted. Some used the word 'deliberate'. Why should the Government incur any of these charges even if you may be able to successfully repudiate them. There is the practical method by which this motion can be satisfied. My learned friend who represents the Vyttila constituency seems to be perturbed over the little change in the rules. The amount of free allowance of water to his house will be reduced.

* Speech not corrected by the Hon'ble Member

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But what I wish to place before the House is the practical method, the only possible solution by which our demand should be met by the Government. Conduct an election before the 1st of Vrischikom under the rules now in force, and then in the present Bill a clause may be added to the effect that Municipal Councils constituted under the Regulation of 1096 in the year 1113 will be deemed to be Municipal Councils constituted under the new Act. There is only one prejudice. There is a wider suffrage. But that does not matter at all. I wish to place before the Government this proposition that it is unwise on their part to think for a moment that this bill covering about 102 pages can be rushed through in two or three days. We will have to fight every inch of that bill and therefore I think that to think for a moment that during the budget session this can be carried through is beyond practical politics. If the non-official opinion which is sufficiently expressed in this House is to expedite the issue let the election go on. The preliminary electoral rolls will have to be ready by the 30th of Meadom and such rolls are in the course of preparation because every Municipality has to prepare and submit these rolls even if there is no election. Under these circumstances I strongly appeal to the Government to rebut all possible suggestions of deliberateness or negligence on the part of the Government in the way that some of the non-official members have done and then carry on the election through at least in the latest in the month of Thulam. Both sorts of opinion can be reconciled by this process and I only desire to impress upon the Government that it appears to be a duty which the Government will not forsake.

മിസ്റ്റർ പി. സി. വക്കി (*Ernakulam North*).— സർ, ഈ അടിയന്തിരപ്രമേയം അവതരിപ്പിക്കാൻ പ്രധാന കാരണമായി ബഹുമാനപ്പെട്ട ഉദ്ദേശകം മെമ്പർ ആദ്യം പറഞ്ഞതു്, മുനിസിപ്പൽ ബിൽ നിയമസഭയുടെ ഈ യോഗത്തിൽ കൊണ്ടുവന്നു പാസ്സാക്കാൻ ഗവമ്മെണ്ടു വലിയ അമാന്തം കാണിച്ചു എന്നുള്ളതാണു്. ഈ കാര്യത്തിൽ ഗവമ്മെണ്ടു് എന്തെങ്കിലും ദുരുദ്ദേശത്തോടുകൂടി മനഃപൂർവ്വം അമാന്തംകാണിച്ചു എന്നുള്ള ആക്ഷേപം നിലനിൽക്കുകയില്ലെന്നും തന്റെ പ്രമേയം പ്രസിദ്ധമാക്കുന്നതിനുവേണ്ടി (Laches) അമാന്തം എന്നുള്ള വാക്കു പ്രമേയത്തിൽ ചേർത്തതാണെന്നും പ്രമേയാവതാരകൻതന്നെ പ്രസംഗത്തിന്റെ അവസാനഘട്ടത്തിൽ പ്രസ്താവിക്കുകയുണ്ടായി. അതിനാൽ അടിയന്തിരപ്രമേയത്തിനു അടിസ്ഥാനമായി പ്രമേയ പ്രയോക്താവു ഗവമ്മെണ്ടിന്റെ പേരിൽ ആരോപിച്ച കുറ്റം അദ്ദേഹംതന്നെ പിൻവലിച്ചുകഴിഞ്ഞു എന്നുവേണം വിചാരിക്കാൻ. ഗവമ്മെണ്ടിന്റെ അമാന്തത്തിന്റെ ഫലമായി മുനിസിപ്പൽ കൌൺസിലുകളുടെ കാലാവധി ഇനിയും നീട്ടേണ്ടിവരുമെന്നുള്ളതാണു് പ്രമേയത്തിലെ രണ്ടാമ

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ത്തെ സംഗതി. ഗവമ്മെണ്ടു മുനിസിപ്പൽ ബിൽ പാസ്സാക്കുന്ന കാര്യത്തിൽ അമാന്തം കാണിച്ചിട്ടില്ലെന്നു സമ്മതിച്ചുകഴിഞ്ഞാൽപിന്നെ മുനിസിപ്പൽ കൌൺസിലിന്റെ കാലാവധി നീട്ടണമെന്നു ഗവമ്മെണ്ടിന്നു ഒരുദ്ദേശം ഉണ്ടായിരുന്നൊ ഇല്ലയൊ എന്നുള്ള വാദപ്രതിവാദംതന്നെ അസംബന്ധവും അസംഗതവുമാണല്ലൊ. പ്രമേയത്തിൽ ഉൾപ്പെടുത്തിയിട്ടില്ലാത്ത കാര്യത്തെപ്പറ്റി വാദപ്രതിവാദം ചെയ്യരുതെന്നു അദ്ധ്യക്ഷൻ താക്കീതുചെയ്കയുമുണ്ടായി. ആകയാൽ ഇതിനപ്പുറമുള്ള വാദപ്രതിവാദം അസ്ഥാനത്തിലാണെന്നാണ് എനിക്കു തോന്നുന്നതു്.

അടിയന്തിരപ്രമേയത്തിന്റെ നില എന്തായാലും ഒരു കാര്യം ഗവമ്മെണ്ടു വിസ്മരിച്ചുകളയരുതെന്നു ഗവമ്മെണ്ടിനെ ഞാൻ പ്രത്യേകം ഉൽബോധിപ്പിച്ചുകൊള്ളുന്നു. മുനിസിപ്പൽ ബിൽ പാസ്സാക്കാതെ നീട്ടിക്കൊണ്ടുപോയതു ഇപ്പോഴത്തെ മുനിസിപ്പൽ കൌൺസിലുകളുടെ കാലാവധി നീട്ടാൻവേണ്ടിയാണെന്നു അടിസ്ഥാനരഹിതമായിട്ടെങ്കിലും ചിലരിൽ ജനിച്ചിട്ടുള്ള സംശയം ശരിയായെന്നുവരാൻ ഗവമ്മെണ്ടു ഇടയാക്കരുതെന്നുള്ളതാണതു്. ഒന്നുകിൽ മുനിസിപ്പൽ ബിൽ കഴിയുന്നത്രംവേഗത്തിൽ പാസ്സാക്കി അടുത്ത വൃശ്ചികത്തിൽതന്നെ അതനുസരിച്ചുള്ള തെരിഞ്ഞെടുപ്പു നടത്തുകയൊ അല്ലെങ്കിൽ, എറണാകുളം തെക്കെ നിയോജകമണ്ഡലം പ്രതിനിധി പറഞ്ഞതുപോലെ, ഇപ്പോൾ നടപ്പിലിരിക്കുന്ന റഗുലേഷൻ അനുസരിച്ചുതന്നെ തെരഞ്ഞെടുപ്പു നടത്തി പുതിയ പട്ടണ സഭകൾ രൂപീകരിക്കുകയൊ ചെയ്യേണ്ടതാണു്. അങ്ങിനെ ചെയ്യുന്നപക്ഷം ഈ വിഷയത്തിൽ ഗവമ്മെണ്ടിന്നു യാതൊരു ഒരുദ്ദേശവുമില്ലെന്നു സകലർക്കും പൂർണ്ണബോദ്ധ്യം വരുന്നതാണു്. ഈ പ്രമേയം ഗവമ്മെണ്ടിന്റെ പേരിലുള്ള ഒരു സെൻസർമോഷ്യനാണെന്നു ഒരു ബഹുമാനപ്പെട്ട മെമ്പർ പ്രസ്താവിച്ചതിൽ ഞാൻ അത്ഭുതപ്പെടുന്നു. പ്രമേയത്താൽ ഗവമ്മെണ്ടിന്റെപേരിൽ ആരോപിക്കപ്പെട്ട അമാന്തക്കുറ്റംതന്നെ നിലനിൽക്കുകയില്ലെന്നു പ്രമേയാവതാരകൻ സമ്മതിച്ചുകഴിഞ്ഞ സ്ഥിതിക്കു അതൊരു അടിയന്തിര പ്രമേയവുമല്ലാ അധിക്ഷേപപ്രമേയവുമല്ലാ, എന്നാണു് എന്റെ അഭിപ്രായം.

മിസ്റ്റർ വി. കെ. കുട്ടി (*Muslims*).— സർ, മുനിസിപ്പാലിറ്റിയുടെ കാലാവധി കൂട്ടുവാൻ പാടില്ലെന്നുള്ള അഭിപ്രായക്കാരനാണ് ഞാനും. ഈ വിഷയത്തിൽ ഗവമ്മെണ്ടു ചെയ്തിട്ടുള്ള നടപടികൾ പരിശോധിക്കുമ്പോൾ ഇവിടെ ചിലർ പ്രസ്താവിച്ചിട്ടുള്ളപോലെയുള്ള കുറ്റം ഗവമ്മെണ്ടു ചെയ്തിട്ടില്ലെന്നു വ്യക്തമാകുന്നുണ്ടു്. ആ സ്ഥിതിക്കു ഇതൊരു സെൻസർമോഷൻ എന്നുള്ള സ്ഥാനത്തു സ്വീകരിക്കുവാൻ എനിക്കും നിവൃത്തിയില്ല. ഗവമ്മെണ്ടിനെ അകാരണമായി എഴുത്തതുകൊണ്ടൊ കുറപ്പെടുത്തിയതുകൊണ്ടൊ കാര്യമില്ല. കാര്യത്തിനുവേണ്ടി പ്രതിഷേധിക്കുക എന്നുള്ളതാണു് പ്രധാന തത്വമായിരിക്കേണ്ടതു്. ഈ വിഷയത്തിൽ ഇവിടെ നടന്നിട്ടുള്ള യഥാർത്ഥത്തെപ്പറ്റിമാത്രം ആലോചിക്കുകയാണെങ്കിൽ ഇതേവരെ നടന്നിട്ടുള്ള താമസത്തി

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ന്ന കാരണം ഗവമ്മെണ്ടിന്റെ കുറവല്ലെന്ന കാണാം. എന്നാൽ ഇനിയും മുനിസിപ്പാലിറ്റിയുടെ കാലാവുധി നീട്ടിക്കൊണ്ടുപോകുന്ന വിഷയത്തിൽ ഗവമ്മെണ്ടു ഒരിക്കലും അനുകൂലിക്കുവാൻ പാടില്ലെന്നാണ് എനിക്കു പറയുവാനുള്ളതു്. പ്രാദേശിക സ്വയംഭരണം എന്ന പേരിൽ ഗവമ്മെണ്ടു കൊടുത്തിട്ടുള്ള അധികാരാവകാശങ്ങൾ അതിന്റെ ഉദ്ദേശാനുസരണം അനുഭവിക്കുവാൻ നിവർത്തിയുള്ളേടത്തോളം സൌകര്യം ചെയ്തുകൊടുക്കേണ്ടതാണ്. കഴിഞ്ഞകമാസത്തിൽ ഒന്നോ രണ്ടോ ദിവസം ഇതിനെക്കുറിച്ചാലോചിച്ചു ഈ ബിൽ പാസ്സാക്കുകയും പുതിയ ആക്ടനുസരിച്ചുള്ള ഇലക്ഷൻ നടത്തുവാൻ സൌകര്യപ്പെടുത്തുകയുമാണ് വേണ്ടതു്. അതിനു തരപ്പെടാത്തപക്ഷം ബഹുമാനപ്പെട്ട എറണാകുളം തൈക്കെ നിയോജകമണ്ഡലം മെമ്പർ പറഞ്ഞതുപോലെ ഇപ്പോഴത്തെ നിയമത്തെ അടിസ്ഥാനപ്പെടുത്തി ഇലക്ഷൻ നടത്തുക. പുതിയ ആക്ടു പാസ്സാകുമ്പോൾ അതനുസരിച്ചുള്ള ഇലക്ഷൻ വീണ്ടും നടത്താം. അങ്ങിനെ ചെയ്യുന്നതു് സംഗതിയുടെ ഗൌരവത്തിനും ഗവമ്മെണ്ടിന്റെ ഉദ്ദേശത്തിനും വളരെ ഉപയോഗപ്രദമായി തീരുന്നതുമായിരിക്കും. അതിനാൽ കാലാവധി ദീർഘിപ്പിച്ചുകൊടുക്കുന്നതുള്ള അഭിപ്രായത്തോടു ഞാനും യോജിക്കുന്നു.

Mr. A. Eachara Menon *(Chittur Rural)*.—Sir, I want to speak nothing about this affair. രാജകായ്യം വഴിപോലെ നടക്കും. That was the idea I had.

Now, the Government Advocate said that after the 14th Kumbhom when the committee had signed the report the report containing all the sections to which amendments had been made was submitted to the Government. Why, to the Government, I do not understand. It is there that the delay was caused. The report ought to have been sent to the Council Secretary, he to the Government for publication in the Gazette. This morning it was attempted to differentiate between Sir Shanmukham and the Dewan of Cochin. Therefore I say the committee ought to have submitted the report to the Secretary to the President, and not to the Dewan. Many a gentleman on the otherside used to boast that if they were on this side of the House they would have turned the world upside down. But they forget that at present they have such privileges as these. The Government has taken a considerable portion of the time in scrutinising the report which ought to have been done after publication in the Gazette. Therein lay the laches. Further they are not as anxious as the mover of this motion. These are the causes of delay. I wish to know from the Chair whether it is not the bounden duty of the President of the Committee to submit the Report to the Council Secretary and not the Government. Whether that is not the proper procedure.

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മിസ്റ്റർ സി. ആർ. ഇയ്യുണ്ണി *(Trichur South)*.— സർ, എനിക്കു ഈ വിഷയത്തെപ്പറ്റി പറയാനുള്ളതു് മറ്റൊന്നുമല്ല, ഗവമ്മെണ്ടിനു വേണമെന്നു വിചാരിച്ചാൽ വളരെ ചുരുങ്ങിയ കാലത്തിനുള്ളിൽ ഏതു റഗുലേഷനും പാസ്സാക്കുന്നതിനു് യാതൊരു പ്രയാസവുമില്ലെന്നാണു്. ഈ നിയമ നിർമ്മാണസഭയിൽ മുൻപു് പാസ്സാക്കീട്ടുള്ള ചില നിയമങ്ങളെ സംബന്ധിച്ചു ഓർക്കുമ്പോൾ ഇതു് പാസ്സാക്കുന്നതിനു യാതൊരു പ്രയാസവുമില്ലെന്നുള്ളതു സ്പഷ്ടമാണു്. കൊച്ചിരാജ്യത്തു ഒരു പുതു റഗുലേഷൻ നടപ്പിൽ വരുത്തുന്നതിനു എത്ര ചുരുങ്ങിയ സമയമാണു് ഗവമ്മെണ്ടിനു വേണ്ടിവന്നതു് എന്നു ചിന്തിക്കുമ്പോൾ ഈ കാര്യത്തെ സംബന്ധിച്ചു വളരെ ചുരുങ്ങിയ കാലംകൊണ്ടു റഗുലേഷൻ പാസ്സാക്കി അതനുസരിച്ചു തിരഞ്ഞെടുപ്പു നടത്തി ജനങ്ങളുടെ അഭിലാഷം സാധിക്കുന്നതിനു വളരെ എളുപ്പമുണ്ടു്. ഏതൊരു മാതിരി ലാൻഡ് മോർട്ടഗേജ് ബാങ്കിനെ സംബന്ധിച്ചു റഗുലേഷൻ പാസ്സാക്കുന്നതിനു മുൻപു് ഒരു പ്രൊക്ലമേഷൻകൊണ്ടു കാര്യങ്ങൾ നടപ്പിൽ വരുത്തിയോ അതേവിധത്തിൽ ഇരുത്തോളം ക്ഷോഭമുള്ള ഈ കാര്യത്തിലും ഒരു നിവാരണമാർഗ്ഗം കണ്ടുപിടിച്ചു നടപ്പിൽ വരുത്തേണ്ടതാണു്. അതിനു പ്രയാസമുണ്ടെന്നു പറയുമ്പോൾ അതിന്റെ അടിയിൽ എന്തോ ചില സംഗതികളില്ലേ എന്നു സംശയിക്കുവാൻ കാരണമാകുന്നുണ്ടു്. അതിനു അവസരം കൊടുത്തിട്ടു് കാരണമെന്താണെന്നാണു് ഞാൻ ചോദിക്കുന്നതു്. കൗൺസിലിൽ റഗുലേഷൻ പാസ്സാക്കുന്നതിനു മുൻപായി എലക്ഷൻ നടപ്പിൽ വരുത്തുക. അങ്ങിനെ ചെയ്യാൻ പരിചയമുള്ള ഗവമ്മെണ്ടിനു ലാ മെമ്പർ പറയുന്നാമാതിരി, എന്തോ ചില സംഗതികൾ കൊണ്ടു ഇതു് നീട്ടി, നീട്ടിക്കൊണ്ടുപോകേണ്ടിവന്നു. ആ നിലക്കു ഞാൻ പറയുന്നതു ഇതിൽ യാതൊരു വൈഷമ്യവും ഗവമ്മെണ്ടിനില്ലെന്നാണു്. പഴയ നിയമമനുസരിച്ചെങ്കിലും തിരഞ്ഞെടുപ്പു നടത്തുക. ഇതിനെ സംബന്ധിച്ചു ഏതുവിധത്തിൽ ചെയ്യുന്നതിനും പ്രയാസമില്ലാത്ത മാർഗ്ഗങ്ങളുണ്ടു്. അങ്ങിനെ ഇരിക്കവെ, അതിനുള്ള അമാന്തം കാണിക്കുമ്പോൾ എന്തോ ചിലതു ഇതിൽ ഒഴിഞ്ഞുകിടക്കുന്നില്ലേ എന്നു സംശയമുണ്ടു്. മൂന്നോ നാലോ മുനിസിപ്പാലിറ്റികൾ ഉള്ള കൊച്ചീ രാജ്യത്തു ഒന്നെങ്കിലും ജനങ്ങൾക്കു ഉപകരിക്കത്തക്കതായി ഉണ്ടെന്നു തോന്നുന്നില്ല. ഞങ്ങൾക്കു കൂടുതൽ അടുത്തു പരിചയമുള്ളതു തൃശ്ശൂർ മുനിസിപ്പാലിറ്റിയാണു്. അതിനെ സംബന്ധിച്ചു മിക്കവാറും ഒന്നുംതന്നെ പറയണമെന്നു വിചാരിക്കുന്നില്ല. അതിന്റെ കാര്യങ്ങൾ അങ്ങാടിയിലെ പാട്ടുപോലെയായിട്ടുണ്ടു്. ഇതിനെ സംബന്ധിച്ചു ഇരുത്തോളമേ പറയണമെന്നു ഞാൻ വിചാരിക്കുന്നുള്ളൂ.

Mr. M. V. Cherian *(Mattancheri South)*.—For my part, I do not like the extension of the Municipal Councils even by one minute because they have become so degenerated. Therefore,

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my humble submission is that by some devise or other the term of the present Municipal councils should not be extended and new councils should be brought into existence.

The question before the House seems to be a sort of censor on the Government for having not brought the bill in this session. As a member of the committee I understood that the Government tried their best to expedite the matter and somehow or other the select committee stage was passed and then the Government Advocate has sent up his report. It is only on Kumbom 14th the report was signed by the committee. The Government have to consider the various amendments suggested by the committee. Therefore, my submission is that Government cannot be accused of laches. My only prayer is that as the Hon'ble Member for Ernakulam south put it, the election should be conducted under the old Regulation and the present Municipal councils should be terminated.

Mr. E. Ikkanda Warriar *(Urakam)*.—Sir, motive hardly counts in politics so long as the conduct is correct. I do not therefore pry into motives of different persons. It was really with the object of impressing upon the Government the necessity of not continuing the existing municipal councils and also to tell them that they should not extend the life of the present councils that I tabled this motion. I could not think of any other method of bringing it to the notice of the Government. Now, as a result of the discussions it is clear that the opinion is almost unanimous that the present councils should not be allowed to continue after its term is over. But the whole trouble now is the word that I have used 'laches'. I do not want to embarrass any member on that account. That is my real position and I expected that in the light of the discussion we had the Government would be able to give us an assurance. One of the earliest speakers who supported me requested the Government to give an assurance on the point. The Government was not pleased to give us any. Now, the real question is whether the Government will extend the life of the council.

Deputy President.—The motion deals with laches on the part of the Government.

Mr. E. Ikkanda Warriar *(Urakam)*.— If we go by the letter of the resolution it is so. If we look into the spirit of it, the spirit of the Mover as well as the spirit of the speeches the question before this House is whether the Government will extend the life of the.....

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Deputy President.—Order, Order. The Hon'ble Member may sit down. With regard to this matter I make it clear that the only question before this House is whether there are laches on the part of the Government. They may vote as they like upon the adjournment motion.

Mr. P. Raman Menon *(Mulakunnathukavu).*—If the motion is put to vote are we to vote on that point alone?

Deputy President.—That is the only point.

Mr. E. Ikkanda Warriar *(Urakam).*—The result so far as I can see is that the Government will not give us an assurance on the point on which we want an assurance. So we will have to depend entirely upon the pious hope that the Government will do all that is in their power to avert the calamity. I submit the Government has practically no difficulty to give us an assurance. I do not know why they hesitate. Suppose the resolution is lost; then Government will say "The resolution is lost. Government will take its own time". If that will be the spirit that will be displayed there is trouble. I am really on the horns of a dilemma.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—Of your own manufacture.

Mr. E. Ikkanda Warriar *(Urakam).*—If there is anything clear in the discussions we had so far it is not of my making.

Deputy President.—The position is clear that the Mover does not attack the Government. The best course open to the Hon'ble Member is to withdraw the motion.

Mr. E. Ikkanda Warriar *(Urakam).*—No doubt, Sir, I can do that. But I would respectfully point out that the Government also can be easily helpful by giving us some sort of distant promise at least.

Mr. A. Narayana Menon *(Vyttila).*—They have given one.

Mr. E. Ikkanda Warriar *(Urakam).*—They have not. I know that the Government is all powerful and it is a heavy fight against the Government. I know the Government can help me out of the situation.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—The government have nothing further to add.

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Mr. E. Ikkanda Warriar *(Urakam).*—Then I submit the Government knows the opinion of the Members of this Council. The only inevitable consequence is to request the Chair to put the motion to vote. I would, therefore, request the Chair to put the motion to vote.

Motion was put to vote and lost.

The House rose for the day at 5-15 P. M.

B. V. KRISHNANKUTTY MENON.

Secretary to the Council.

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